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In re Application of:
PADMANABHAN, et al
Application No. 09/699,894
Filed: October 30, 2000
For: **MINIMUM BAYES ERROR FEATURE
SELECTION IN SPEECH RECOGNITION**

MAR 14 2005
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

This is a response to the Petition to Withdraw Notice of Abandonment, filed November 15, 2004. The petition is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment.

The petition is granted.

This application became abandoned for failure to timely file a response to the Office action mailed January 16, 2003, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on September 8, 2004.

Petitioner alleges to have timely filed a response to the Office action on July 16, 2003. To support this position, Petitioner has included with the instant petition a copy of the response along with petition for three months extension of time bearing a proper certificate of mailing having a date of July 16, 2003.

37 C.F.R. § 1.8(b) states that in the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner has met the requirements above. Accordingly, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the response and petition for three months extension. From there, the file will be forwarded to the examiner for consideration in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications